COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2019 Legislative Session, Legislative Day No.: March 26, 2019

Resolution No.: 271

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A RESOLUTION TO ADOPT RULES OF PROCEDURE GOVERNING PROCEEDINGS OF THE TALBOT COUNTY SHORT-TERM RENTAL REVIEW BOARD

By the Council: March 26, 2019

Introduced, read the first time, ordered posted, with Public Hearing scheduled on Tuesday, April 16, 2019, at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

By Order, Susan W. Moran

Susan W. Moran, Secretary

A RESOLUTION TO ADOPT RULES OF PROCEDURE GOVERNING PROCEEDINGS OF THE TALBOT COUNTY SHORT-TERM RENTAL REVIEW BOARD

WHEREAS, Talbot County Code § 190-63.1.E provides that the Short-Term Rental Review Board ("Board") shall adopt rules of procedure governing its proceedings, subject to approval by the County Council, which shall have the full force and effect of law when approved by resolution of the County Council; and,

WHEREAS, the Board has proposed that the "TALBOT COUNTY SHORT-TERM RENETAL REVIEW BOARD RULES OF PROCEDURE," (hereinafter the "Rules") attached hereto and incorporated by reference herein, be adopted as its official rules of procedure.

NOW THEREFORE, BE IT RESOLVED, by the County Council of Talbot County, Maryland that:

1. The Rules attached hereto and incorporated by reference herein shall be and are hereby ADOPTED as the official Rules of Procedure for the Talbot County Short-Term Rental Review Board.

2. The provisions of Bill 1401, enacted by the County Council on September 11, 2018, as Chapter 190, Zoning, Subdivision and Land Development, Talbot County Code, to the extent the same may be considered, interpreted, or applied as Rules of Procedure of the Talbot County Short-Term Rental Review Board, are hereby ratified, confirmed, and adopted.

3. This Resolution shall become effective immediately upon its adoption.

4. The Rules adopted herein are as follows:

Talbot County Short-Term Rental Review Board Rules of Procedure

Section 1. Regular meetings. Regular meetings shall be held weekly at 1:00 p.m. on Thursdays excluding legal holidays, and as dictated by the number of pending applications. Meetings will be held in the Talbot County Community Center, 10028 Ocean Gateway, Easton, Maryland, and shall be open to the public. At such meetings, the Board shall consider all matters properly brought before them without the necessity of prior notice thereof to any Board Member. A regular meeting may be cancelled, rescheduled or relocated by the Board. Notice of such meetings shall be posted on the County's website as soon as possible after the decision to cancel, reschedule or relocate is made.

Section 2. Special meetings. Special meetings shall be called by the Chairman or the Planning Director and held at a time and place designated by the individual calling the meeting. Notice of such meetings shall be given to the Board and posted on the County's webpage at least forty-eight hours in advance.

Section 3. Quorum. A quorum shall consist of at least three (3) Board members. A quorum must exist for a meeting to be called to order. If a quorum does not exist at the time of a scheduled meeting, the Board present shall reschedule the meeting.

Section 4. Voting. Each Board member attending shall be entitled to cast one vote on each item of business before the Board. Voting shall be by voice except that voting for officers at the annual meeting shall be by written secret ballot. An affirmative vote of at least three (3) Board Members shall be required for a motion to pass. A tie vote shall result in a failed motion. Board Members are permitted to attend and vote by telephone after submitting five (5) days' notice of an anticipated absence to the Board. In all cases, a quorum of the Board must be physically present at the hearing for a hearing to be held. The Applicant, or Complainant, as the case may be, is entitled, upon request prior to commencement of the hearing, to postponement of the hearing for lack of a full Board. The Applicant, or Complainant, is also entitled to proceed with the hearing, but in making that election the applicant waives the right to a rehearing before the full Board if the application is denied, or if the complaint decision is not in their favor.

A Board Member shall only participate in matters before the Board that, to his or her knowledge, will not have a direct financial impact on such Board Member, a member of the Board Member's family, or a business entity which the Board Member or his or her family member is financially affiliated. A Board Member should consult the County Ethics Commission concerning any matters of which such Board Member is uncertain of the propriety of his or her participation.
Each Board Member is encouraged to recuse himself or herself from participation in any matter in which there is an appearance of a financial conflict of interest. The Secretary shall record in the minutes the name of each Board Member who shall recuse himself or herself from participation. A Board Member who has recused himself or herself is encouraged to physically leave the meeting while the rest of the Board considers the matter.

Section 5. Meeting Rules. All meetings shall be conducted in accordance with the current edition of *Robert's Rules of Order*, unless such procedures vary from these Rules of Procedure. In such cases, the Rules of Procedure shall be followed.

Section 6. Hearings and Decisions. The Board shall hold a public hearing on all new license applications and on complaints in accordance with § 190-63.4 of the Talbot County Code.

At regular meetings, the following shall be the order of business:

(1) Call to order;

(2) Review and action on prior meeting minutes, as applicable;

(3) Old business;

(4) New business;

(5) Other matters for discussion; and,

(6) Adjournment.

Hearings for new licenses shall be no sooner than 21 days from the date set forth in the certificate of service required under § 190-63.2.F.5.

In conducting hearings, the Board shall proceed as follows: Applicant or Complainant shall present its case followed by citizen comment, either written and/or verbal. Applicant, or Complainant may respond to respond to citizen comments and citizens may respond to Applicant's rebuttal by addressing the Board and as directed by the Board. Cross-examination, if any, shall be strictly limited by the Board. Board shall consider all facts presented and render its decision based on the record.

Each formal action required by law, rule or regulations shall be taken pursuant to a motion, seconded and duly carried by a vote as provided in Section 5. The Board shall issue written decisions of its findings for each new license application or complaint hearing within 30 days after the close of the public hearing, unless extended by a majority of the Board for due cause, such extension not to exceed an additional 15 days. The decision shall include all conditions, restrictions or limitations reasonably related to addressing impacts of the proposed short-term rental.

Section 7. New Licenses. In accordance with § 190-63.2.I.7 of the Talbot County Code, as amended from time to time, the Board shall approve an application for a new short-term rental license unless the Board finds that:

1. The license application is incomplete;
2. The applicant has made false, inaccurate, incomplete or incorrect statements in connection with the application;
3. The applicant has not complied with the application notice requirements;
4. Issuance of the license would unduly disturb the peace of the residents of the neighborhood in which the short-term rental will be located; and/or
5. There are other substantial reasons in the discretion of the Board why the license should not be issued, in which event the Board shall deny the license.

Section 8. Complaints. If the Board determines that a violation has occurred, the Board shall be authorized to suspend the licensee for any period of time the Board deems appropriate or to revoke the license. In addition, the Board may impose a fine on the licensee of up to $1,000 per violation. Each day that a violation exists or continues constitutes a separate violation.

Following the hearing, the Board shall vote on whether a violation has occurred. If a violation is confirmed, the Board shall also determine whether the license should be suspended, revoked, and/or a fine imposed. The Board may impose conditions, restrictions and limitations on licenses for short-term rentals that are found to be in violation. Such conditions may include, without limitation, the requirement that the owner retain the services of an agent who is a licensed realtor or similarly qualified professional with experience in managing short-term rentals.

The Board shall issue a written decision setting forth its decision and applicable findings.

Section 9. Appeals. Any person who participated in the hearing who is aggrieved by a Board decision may file an appeal to the Talbot County Board of Appeals within 30 days of the Short-Term Rental Review Board's written decision. Such appeal shall be on the record.

Section 10. Transcripts. A written request shall be submitted to the Short-Term Rental Review Board's Secretary at 215 Bay St, Suite 2, Easton, MD, 21601. The Secretary will obtain an estimated cost from the transcriber and notify the requestor. Upon receipt of a check in the amount determined by the transcriber, the Secretary will advise the transcriber to begin transcribing the record. The transcriber will notify the Secretary of final costs and the payment by the requester of such additional costs must be made, in the form of a check payable to the transcriber, prior to delivery of the final transcript.

The requestor may request a CD copy of the entire original recording of the public meeting for personal use at a cost of $20.00 per CD. CD's and transcripts shall be obtained for the entirety of the meeting unless agreed upon by all parties.

The purchase of a transcript in accordance with this section will be necessary if an appeal is filed with the Board of Appeals. The number of official copies of the transcript required for appeals shall be determined by the Board of Appeals.

Section 11. Officers. Officers shall consist of a Chairperson and Vice Chairperson nominated and elected by secret ballot by majority vote of the Board members at the annual meeting. Officers shall be elected by secret ballot, and immediately thereupon assume their duties at the first regular meeting in January and shall serve for a one (1) year term. An officer may only serve three (3) consecutive terms of office in a particular office. In the event the Chairperson and Vice Chairperson are unable to attend a meeting, the member with the longest tenure on the Board shall serve as the temporary Chairperson for that meeting.

Section 12. Officers' and Planning and Zoning Department's Duties

A. Chairperson

(1) To preside at all meetings.

(2) To call special meetings.

(3) To coordinate with the Planning and Zoning Department the preparation of the agenda.

B. Vice Chairperson - To perform and fulfill the Chairperson's duties and responsibilities in the Chairperson's absence.

C. Talbot County Planning and Zoning Department

(1) To keep the minutes of all meetings in the Minute Book. Minutes shall be kept in paper and electronic formats.

(2) To give or serve all notices required by law or by these Rules of Procedure.

(3) To establish and distribute Short-Term Rental Review Board meeting agendas.

(4) To be custodian of records.

(5) To inform and transmit to the Board all correspondence relating to Board business and to respond to such correspondence, as directed by the Board.

(6) To prepare and distribute final disposition correspondence for Board actions.

(7) To see that all actions of the Board are properly executed and to take necessary enforcement actions if they are not.

Section 13. Terms and Vacancies. The County Council shall be notified as soon as possible by the Planning and Zoning Department of all Board vacancies. Each member shall serve a staggered term of up to four (4) years or until a successor is appointed. Members shall be eligible for reappointment twice.

Should a vacancy occur among the Board's officers, the vacant office shall be filled at the next regular meeting in accordance with nominating and voting procedures above. The newly elected officer shall serve out the unexpired term of the office in which such vacancy occurred. This service shall count as one (1) of the three (3) consecutive terms permitted in Section 11 if the remainder of the term exceeds 243 days.

Members shall serve without compensation but shall be entitled to reimbursement for reasonable expenses duly approved by the Finance Officer.

Section 14. Amending Rules of Procedure. The Rules of Procedure may be amended at a meeting provided notice of the proposed amendment is distributed in writing or electronically to the Board in writing at least five (5) days prior to the meeting during which the change will be considered. All proposed amendments shall only become effective after they are submitted to the Talbot County Council for action and they are approved by a County Council resolution.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. _____ having been published, a public hearing was held on Tuesday, _____ 2019, at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the second time.

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Pack –

Divilio –

Callahan –

Price –

Lesher –

EFFECTIVE: _____